

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO. 384 OF 2005
IN
SUIT NO. 2463 OF 1985**

Kusum Shivram Shinde
and another.

... Plaintiffs.

V/s.

Byramjee Jeejeebhoy Pvt.Ltd.
and others.

... Defendants.

R.D.Dhanuka for the applicant.

H.S.S.Murthy i/b. Wadia Gandhi & Co.
for defendant No.3.

CORAM : A.M.KHANWILKAR, J.

DATED : 5th September, 2005.

P.C. :

. In spite of service none appears for the
plaintiffs. Appearance is made only by defendant
No.3. Defendant No.3 is opposing this application.
However, there is nothing on record to show that the
plaintiffs are opposed to the prayer made in the
present application. Since the plaintiffs have not
opposed the prayer for joining applicant as
defendant No.4, in my opinion, the objection taken
by defendant No.3 does not need consideration. It
would have been a different matter if the plaintiffs
were opposing the prayer of the applicant to be
joined as defendant No.4. If that were to be the

situation, the question would have arisen whether the Court can compel the plaintiffs to join the applicant as defendant No.4 or not. In my view, for the case made out in the affidavit in support which has remained uncontroverted, it does appear that the presence of the applicant would be necessary for full, complete and effectual adjudication of the pending suit.

2. In the circumstance, chamber summons is made absolute in terms of prayer clause (a). Amendment to be carried out within four weeks from today. No order as to costs.

(A.M.KHANWILKAR, J.)